IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. REVISION No.634 of 2008
RAJESH SHARMA
Versus
STATE OF BIHAR
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2. 07.07.2008. Heard learned counsel for the petitioner and the State.

Learned counsel for the petitioner states that earlier the prayer of the petitioner to be declared as juvenile was refused by the court below, whereafter the matter came to this Court by filing Cr. Revision No. 194 of 2008 and this Court under orders dated 19.03.2008 passed in Cr. Revision No. 194 of 2008, Annexure-4 has declared the petitioner as a juvenile but the prayer of the petitioner for grant of bail in the present case has been refused by the Juvenile Justice Board, Magadh Division, Gaya under order dated 21.5.2008 passed in Tr.No. 155(J) of 2008, arising out of Parasbigha P.S.Case No. 39 of 2005, which order has also been affirmed by the appellate court (Sessions Judge, Gaya) under orders dated 6.6.2008 passed in Cr. Appeal No. 86 of 2008.

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It is submitted on behalf of the petitioner that from perusal of the two orders it would appear that prayer for grant of bail on behalf of the petitioner has been refused only on the ground that he is accused of an heinous offence of rape. In the light of the allegations contained in the First Information Report, it is submitted that gravity of the offence is not a ground to detain the petitioner in jail in terms of Section 12 of the Juvenile Justice (Care and Protection of Children), Act, 2000. Petitioner is in jail custody since 12.07.2007 and as his prayer for grant of bail has been refused only considering the nature of

the offence, I direct that he, namely, Rajesh Sharma be released on bail on furnishing bail bond of Rs. 5000/- (Five thousand) with two sureties of the like amount each to the satisfaction of Juvenile Justice Board, Magadh Division, Gaya in connection with Tr.No. 155(J) of 2008, arising out of Parasbigha P.S.Case No. 39 of 2005 and both the orders dated 21.5.2008 passed by Juvenile Justice Board, Magadh Division, Gaya in Tr.No. 155(J) of 2008, arising out of Parasbigha P.S.Case No. 39 of 2005 as also the order dated 6.6.2008 passed by the Sessions Judge, Gaya in Cr. Appeal No. 86 of 2008 are set aside.

(V.N.Sinha,J.)

P.K.P.

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